

MONDAY, FEBRUARY 14, 2000

FIFTY-THIRD LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Fitzhugh.

Representative Fitzhugh led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Jackson; illness.

Representative Langster;

**MESSAGE FROM THE GOVERNOR
February 11, 2000**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 415, 416, 417, 419, 423, 424, 425, 426, 427 and 443, with his approval.

MICHELLE LONG, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
February 11, 2000

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2010, with his approval.

MICHELLE LONG, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
February 14, 2000

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 2017 and 2021, without his signature.

MICHELLE LONG, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
February 14, 2000

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 235, 429, 430, 431, 432, 433, 436, 437, 440, 441 and 442, with his approval.

MICHELLE LONG, Counsel to the Governor.

PERSONAL ORDERS

BILL RE-REFERRED

Rep. Walley moved that **House Bill No. 2342** be re-referred the House Finance, Ways and Means Committee, which motion prevailed.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 16, 2000:

House Resolution No. 133 -- Memorials, Personal Occasion - Bowman/Durham wedding. by *Mumpower, *Godsey, *Westmoreland.

House Resolution No. 134 -- Memorials, Public Service - Kevin Cable. by *Mumpower.

House Resolution No. 135 -- Memorials, Public Service - Dr. James E. Messimer, 25 years of medical service to Bristol. by *Godsey, *Mumpower, *Davis (Washington), *Westmoreland.

House Joint Resolution No. 461 -- Memorials, Academic Achievement - Jeffrey S. Robinson. by *Bone.

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House Joint Resolution No. 462 -- Memorials, Professional Achievement - Ted Russell, TIME Magazine Quality Dealer Award. by *Davis (Cocke), *Bittle.

House Joint Resolution No. 463 -- Memorials, Public Service - Bryce Galen, Prudential Spirit of Community Award winner. by *Ferguson.

House Joint Resolution No. 464 -- Memorials, Public Service - Dana Davis. by *Mumpower, *Godsey, *Davis (Washington), *Westmoreland.

House Joint Resolution No. 465 -- Memorials, Death - Mary Kitts, Knoxville. by *Boyer.

House Joint Resolution No. 466 -- Memorials, Death - Mack Pinkelton. by *Fowlkes.

House Joint Resolution No. 467 -- Memorials, Death - C.R. Conner. by *McCord, *Bittle.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

Senate Joint Resolution No. 531 -- Naming and Designating - "Firefighters' Memorial Day," October 9, 2000. by *McNally, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J., *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

House State and Local Government Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3277 -- Maury County - Subject to local approval, enacts "Maury County Alarm Systems Act." by *Sands.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2045** -- Historical Sites and Preservation - Authorizes expenditure of funds from state lands acquisition fund for benefit of state historic areas. Amends TCA Section 67-4-409. by *Henry, *Crowe. (HB2107 by *Jackson, *McDaniel, *Davidson, *Fowlkes, *Tidwell)

***Senate Bill No. 2052** -- Statutes - Changes all TCA references and state government references from "Korean Conflict" to "Korean War." Amends TCA Title 1, Chapter 3. by *Crowe, *Kyle, *Dixon, *Williams, *Womack, *Atchley, *Fowler, *Kurita, *Davis L. (HB2035 by *Givens, *Cole (Carter), *Sharp, *Godsey, *Davis (Washington), *Dunn, *Buttry, *Montgomery, *Mumpower, *Hargett)

Senate Bill No. 2079 -- Highways, Roads and Bridges - Includes "The Trace" in Land Between the Lakes in Stewart County within scenic highway system. Amends TCA Title 54, Chapter 17, Part 1. by *Kurita. (*HB2024 by *Ridgeway)

***Senate Bill No. 2126** -- State Symbols - Designates Tennessee Walking Horse as official "state horse." Amends TCA Title 4, Chapter 1, Part 3. by *Womack, *Harper. (HB2519 by *Phillips)

***Senate Bill No. 2319** -- Holidays and Days of Special Observance - Workers Memorial Day, every April 28, to commemorate workers who have been killed or injured on the job. Amends TCA Title 15, Chapter 2. by *Cooper, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack. (HB2671 by *Givens, *West, *Pleasant, *Jones U (Shelby), *Miller L, *Kent)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3275 -- Henderson County -- Local Bill Held on House Desk

House Bill No. 3276 -- Greene County -- Local Bill Held on House Desk

CONSENT CALENDAR

***House Bill No. 2342** -- Highway Signs - "Robert S. 'Rob' Stallings Bridge," U.S. 64, Bolivar. by *Walley, *Naifeh. (SB2915 by *Wilder)

House Bill No. 2416 -- Sunset Laws - Tennessee board for economic growth, June 30, 2004. Amends TCA Title 4, Chapter 14 and Title 4, Chapter 29. by *Kernell, *Garrett, *Brooks. (*SB2109 by *Springer)

On motion, House Bill No. 2416 was made to conform with **Senate Bill No. 2109**; the Senate Bill was substituted for the House Bill.

House Bill No. 2417 -- Sunset Laws - Board of respiratory care, June 30, 2006. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 27. by *Kernell, *Garrett, *Brooks. (*SB2110 by *Springer)

On motion, House Bill No. 2417 was made to conform with **Senate Bill No. 2110**; the Senate Bill was substituted for the House Bill.

House Bill No. 2433 -- Sunset Laws - Industrial development division, building finance commission, June 30, 2004. Amends TCA Title 4, Chapter 14 and Title 4, Chapter 29. by *Kernell, *Garrett, *Brooks. (*SB2092 by *Springer)

On motion, House Bill No. 2433 was made to conform with **Senate Bill No. 2092**; the Senate Bill was substituted for the House Bill.

House Bill No. 2443 -- Sunset Laws - Council on pensions and retirement, June 30, 2008. Amends TCA Title 3, Chapter 9 and Title 4, Chapter 29. by *Kernell, *Garrett, *Brooks. (*SB2193 by *Springer)

On motion, House Bill No. 2443 was made to conform with **Senate Bill No. 2193**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2189** -- Highway Signs - "American Museum of Science and Energy," I-75, Anderson County. by *Caldwell, *Baird. (SB2777 by *McNally)

House Bill No. 2805 -- Athens - Subject to local approval, modifies procedure for voting by non-resident property owners; changes term of council members selected to fill vacancy before end of term; changes procedure for enactment of ordinances; increases level of authorized expenditures by city manager and public works. Amends Chapter 455 of the Private Acts of 1953, as amended. by *McKee. (SB2979 by *Elsea)

House Bill No. 2829 -- Springfield - Subject to local approval, amends charter relative to compensation of mayor and aldermen and to purchases by city. Amends Chapter 1 of the Private Acts of 1989. by *Davidson. (SB2970 by *Graves)

House Bill No. 2997 -- Wartrace - Subject to local approval, rewrites charter Amends Chapter 214 of the Acts of 1903; as amended. by *Phillips. (SB3127 by *Womack)

House Joint Resolution No. 457 -- Memorials, Sports - Ooltewah High School varsity cheerleaders, TSSAA State Champions. by *Wood, *Sharp.

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House Joint Resolution No. 458 -- Memorials, Professional Achievement - Carson and Julie Bramun, owners, Atomic Speedway. by *Ferguson.

House Joint Resolution No. 459 -- Memorials, Sports - Ronald "Popeye" Jones, Murray State University Player of the Century. by *Maddox.

House Joint Resolution No. 460 -- Memorials, Sports - Cal Luther, Murray State University, Coach of the Century. by *Maddox.

BILL RE-REFERRED

Rep. Caldwell moved that House Bill No. 2189 be re-referred to the House Finance, Ways and Means Committee, which motion prevailed.

On previous motion, House Bill No. 2342 was re-referred to the House Finance, Ways and Means Committee.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 2079 -- Sunset Laws - Terminates energy advisory board. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by *Kernell, *Garrett, *Brooks. (*SB2006 by *Springer, *Dixon)

Further consideration of House Bill No. 2079 previously considered on February 7, 2000, at which time it was reset for today's Calendar.

On motion, House Bill No. 2079 was made to conform with **Senate Bill No. 2006**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 2006** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2024** -- Highways, Roads and Bridges - Includes "The Trace" in Land Between the Lakes in Stewart County within scenic highway system. Amends TCA Title 54, Chapter 17, Part 1. by *Ridgeway. (SB2079 by *Kurita)

On motion, House Bill No. 2024 was made to conform with **Senate Bill No. 2079**; the Senate Bill was substituted for the House Bill.

Rep. Ridgeway moved that Senate Bill No. 2079 be passed on third and final consideration.

Rep. Odom moved the previous question, which motion was immediately withdrawn.

Rep. Boyer moved the previous question, which motion prevailed.

Rep. Ridgeway moved that **Senate Bill No. 2079** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
 Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2413 -- Sunset Laws - Terminates Tennessee growth fund. Amends TCA Title 4, Chapter 17 and Title 4, Chapter 29. by *Kernell, *Garrett, *Brooks. (*SB2112 by *Springer)

On motion, House Bill No. 2413 was made to conform with **Senate Bill No. 2112**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 2112** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
 Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 436** -- Credit and Debit Cards - Prohibits public institutions of higher education from selling or distributing student lists to credit card issuers; prohibits credit card issuers from attempting to secure such lists. Amends TCA Title 49, Chapter 7. by *Dixon. (HB538 by *DeBerry L, *Bowers, *Brooks, *Givens, *Langster, *DeBerry J, *Beavers, *Newton, *Black, *Phelan, *Montgomery)

Rep. L. DeBerry moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1, 2, 3 and 4, which motion prevailed.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Pleasant, **House Bill No. 2973** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. Scroggs, **House Bill No. 23** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Scroggs, **House Bill No. 208** was recalled from the Commerce Committee and withdrawn from the House.

On motion of Rep. Bone, **House Bill No. 174** was recalled from the Consumer and Employee Affairs Committee and withdrawn from the House.

On motion of Rep. Williams, **House Bill No. 2154** was withdrawn from the House.

On motion of Rep. Williams, **House Bill No. 2813** was withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2035: Rep(s). Walker as prime sponsor(s).

House Bill No. 2388: Rep(s). Walley as prime sponsor(s).

House Bill No. 2523: Rep(s). Walker as prime sponsor(s).

House Bill No. 2705: Rep(s). Hargett as prime sponsor(s).

ENGROSSED BILLS

February 14, 2000

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2805, 2829, 2997, also, House Joint Resolution(s) No(s) 457, 458, 459 and 460.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

February 14, 2000

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 446, 447 and 448; all concurred in by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 2:30 p.m., Wednesday, February 16, 2000.